

1 DANIEL G. BOGDEN  
2 United States Attorney  
3 District of Nevada  
4 BLAINE T. WELSH  
5 Assistant United States Attorney  
6 Nevada Bar. No. 4790  
7 333 Las Vegas Blvd. South, Suite 5000  
8 Las Vegas, Nevada 89101  
9 Phone: (702) 388-6336  
10 Facsimile: (702) 388-6787  
11 Email: Blaine.Welsh@usdoj.gov

12 DAVID C. SHONKA  
13 Acting General Counsel  
14 NIKHIL SINGHVI  
15 JASON D. SCHALL  
16 HELEN P. WONG  
17 IOANA RUSU  
18 COURTNEY A. ESTEP  
19 THOMAS E. KANE  
20 Federal Trade Commission  
21 600 Pennsylvania Avenue, NW  
22 Mailstop CC-10232  
23 Washington, D.C. 20580  
24 Phone: (202) 326-3480 (Singhvi)  
25 Facsimile: (202) 326-3768  
26 Email: [nsinghvi@ftc.gov](mailto:nsinghvi@ftc.gov) (Singhvi); [jschall@ftc.gov](mailto:jschall@ftc.gov) (Schall)  
27 Attorneys for Plaintiff Federal Trade Commission

18 UNITED STATES DISTRICT COURT  
19 DISTRICT OF NEVADA

20 FEDERAL TRADE COMMISSION,

21 Plaintiff,

22 v.

23 AMG Services, Inc., et al.,

24 Defendants, and

25 Park 269, LLC, et al.,

26 Relief Defendants.

27 Case No. 2:12-cv-536

28 **JOINT MOTION AND  
STIPULATION FOR TWO-  
WEEK STAY OF FILING  
DEADLINES AND  
ADJUDICATION OF POST-  
JUDGMENT MOTIONS  
(Second Request)**

1       The Federal Trade Commission (“FTC”) and Defendants Scott Tucker, AMG Capital Management,  
2 LLC, Level 5 Motorsports, LLC, Black Creek Capital Corporation, and Broadmoor Capital Partners  
3 (collectively, “Tucker Defendants”) request that the Court stay all deadlines and the adjudication of  
4 pending post-judgment motions for two weeks (until November 17, 2016). The FTC and Tucker  
5 Defendants are currently engaged in negotiations to attempt to resolve the pending Motion for Order  
6 Directing Turnover of Assets (ECF No. 1059, “Turnover Motion”), the Motion for Appointment of a  
7 Receiver (ECF No. 1064 (filed under seal), “Receiver Motion”), and the oppositions filed thereto. In order  
8 to facilitate those discussions and the refinement of terms, the parties request that the Court not rule on the  
9 Turnover Motion or the Receiver Motion before November 18, 2016. Similarly, the parties request that the  
10 Court extend the deadline for the FTC to file its reply brief to the Receiver Motion to November 17, 2016.  
11 This is the second stipulation for an extension regarding the Turnover Motion and Receiver Motion.

12       The FTC and Tucker Defendants respectfully request that the Court temporarily stay existing  
13 deadlines and the adjudication of the Turnover Motion and Receiver Motion as follows:

- 14       1. On September 30, 2016, this Court entered an Order granting the FTC’s summary judgment  
15 motion on Phase 2, and entered judgment against the Tucker Defendants and the Relief  
16 Defendants. Order (ECF No. 1057).
- 17       2. To facilitate post-judgment collection and enforcement of the Court’s Order, the FTC filed  
18 the Turnover Motion on October 3 and the Receiver Motion on October 13. The Tucker  
19 Defendants have opposed each motion. *See generally*, Tucker Defendants’ Response in  
20 Opposition to FTC’s Motion for Order Directing Turnover of Assets (ECF No. 1061);  
21 Tucker Defendants’ Opposition to Motion for Appointment of a Receiver (ECF No. 1071).  
22 Presently, only one filing deadline (October 27) remains – for the FTC’s reply in support of  
23 its Receiver Motion.
- 24       3. Good cause exists to stay deadlines and adjudication. The FTC and Tucker Defendants are  
25 presently discussing possible compromises to resolve the pending Turnover Motion and  
26 Receiver Motion. If these negotiations are successful, the parties intend to submit a joint  
27 proposed order that would resolve both motions. However, a Court ruling in the midst of  
28 the parties’ discussions could adversely affect the parties’ negotiations. Similarly, the

1 pending filing deadline diverts the FTC's resources away from the ongoing negotiations.

2 Finally, a temporary stay permits the Court to conserve its scarce resources and promotes  
3 judicial economy. Thus, cause exists for a temporary stay that permits the Court to preserve  
4 its resources while the parties attempt to reach a consensual resolution.

5 4. The FTC and Tucker Defendants jointly request that the following deadlines govern the  
6 Turnover Motion and the Receiver Motion:

- 7 a. The deadline for the FTC to file its reply in support of its Motion for Appointment of  
8 a Receiver (ECF No. 1064 (filed under seal)) is extended to November 17, 2016;  
9 b. Adjudication of the Motion for Appointment of a Receiver (ECF No. 1064) and the  
10 Motion for Order Directing Turnover of Assets (ECF No. 1059) is stayed until  
11 November 18, 2016; and  
12 c. The temporary stay of deadlines and adjudication is without prejudice to further  
13 requests to extend pending deadlines and adjudication of the post-judgment motions.

14 If this Stipulation is accepted by the Court, the previous deadlines for the FTC's reply brief (ECF Nos.  
15 1068 and 1079) are rendered moot.

1 Dated: November 3, 2016  
2

3 /s/ Jason D. Schall

4 Jason D. Schall  
5 Federal Trade Commission  
6 600 Pennsylvania Ave., NW  
7 Mailstop CC-10232  
8 Washington, DC 20580  
nsinghvi@ftc.gov  
Tel. (202) 326-3480  
Fax (202) 326-3629

9 *Attorney for Plaintiff Federal Trade Commission*

10 /s/Jeffrey D. Morris

11 Jeffrey D. Morris  
Nick J. Kurt  
Berkowitz Oliver LLP  
2600 Grand Boulevard, Suite 1200  
Kansas City, MO 64108  
Phone: (816) 561-7007  
Fax: (816) 561-1888  
jmorris@berkowitzoliver.com  
nkurt@berkowitzoliver.com

12 *Attorney for Defendants Scott A. Tucker, AMG Capital  
13 Management, LLC, Level 5 Motorsports, LLC, Black  
14 Creek Capital Corporation, and Broadmoor Capital  
15 Partners*

16 IT IS SO ORDERED:  
17   
18

19 UNITED STATES MAGISTRATE JUDGE

20 11-3-2016

21 Dated: \_\_\_\_\_  
22

23

24

25

26

27

28

## **CERTIFICATE OF SERVICE**

I, Jason D. Schall, certify that, as indicated below, all parties were served with the FTC's **AGREED MOTION AND STIPULATION FOR TWO-WEEK STAY OF FILING DEADLINES AND ADJUDICATION OF POST-JUDGMENT MOTIONS** on this date by the below identified method of service:

## **Electronic Case Filing:**

Von S. Heinz (vheinz@lrrc.com)  
Darren J. Lemieux (dlemieux@lrrc.com)  
E. Leif Reid (lreid@lrrc.com)  
Jeffrey D. Morris (jmorris@berkowitzoliver.com)  
Nick J. Kurt (nkurt@berkowitzoliver.com)  
Justin C. Griffin (justingriffin@quinnemanuel.com)

Sanford I. Weisburst (sandyweisburst@quinnmanuel.com)  
Kathleen Sullivan (kathleensullivan@quinnmanuel.com)  
*Attorneys for Defendants AMG Capital Management, LLC; Level 5 Motorsports, LLC; LeadFlash Consulting, LLC; Black Creek Capital Corporation; Broadmoor Capital Partners, LLC; Scott A. Tucker; Nereyda M. Tucker, as Executor of the Estate of Blaine A. Tucker*

Patrick J. Reilly (preilly@hollandhart.com)  
Linda C. McFee (lmcfee@mcdowellrice.com)  
Robert Peter Smith (petesmith@mcdowellrice.com)  
*Attorneys for Relief Defendants Kim C. Tucker and Park 269 LLC*

Victoria W. Ni (vni@publicjustice.net)  
Craig B. Friedberg (attcbf@cox.net)  
*Attorneys for Intervenor Americans for Financial Reform*

Jeffrey Vanderloop (jvanderloop@madvanlaw.com)  
Martin Welsh (mwelsh@lqlaw.com)  
*Attorneys for Interested Third Parties El Dorado Trailer Sales, LLC and ETS Ventures, LLC*

Dated: November 3, 2016

*/s/ Jason D. Schall*

Jason D. Schall

*Attorney for the Federal Trade Commission*